

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	No. 3:10-CR-0260-22
v.)	Judge Haynes/Bryant
)	
ABDIFATAH SHARIF OMAR,)	
)	
Defendant)	

MEMORANDUM AND ORDER

Defendant Omar appeared before the undersigned Magistrate Judge on December 3, 2014, for a hearing on two pending motions: Defendant's Motion to Enlarge Travel Restrictions (Docket Entry No. 3628), to which the Government has responded in opposition (Docket Entry No. 3631), and the Government's Motion to Revoke Defendant's Bond and for Defendant to be Detained (Docket Entry No. 3632).

At the commencement of this hearing, Defendant Omar, through counsel, requested leave voluntarily to strike his motion to enlarge travel restrictions (Docket Entry No. 3628). This request was granted by the Court, and the **Clerk** is directed to **TERMINATE** Docket Entry No. 3628 as voluntarily stricken by Defendant.

After further discussion with counsel, the undersigned proceeded with the hearing on the Government's motion to revoke Defendant's bond and to detain Defendant. The United States called as witnesses U.S. Probation Officer Laminta Poe; Officer Heather Weyker of the St. Paul, Minnesota, Police Department; Debra

Carlson, Driver Exam Program Manager, Minnesota Department of Public Safety; and Elisa Rhiew, Employee Relations and Staffing Manager, Central Transport, Nashville Office. Defendant Omar testified on his own behalf. The parties also offered certain documentary exhibits, which were admitted into evidence.

From the evidence admitted at this hearing and from the entire record, the undersigned Magistrate Judge finds that Defendant Omar improperly listed the address of a United Parcel Service mailbox office as his residence address on a Minnesota Driver's License Application signed on December 30, 2013. Ms. Debra Carlson testified that the use of a post office box as a residence address on a Minnesota driver's license application is not permitted, and that the driver's license would not have been issued to Defendant Omar had the State of Minnesota known that the address listed on the application by Defendant was actually that of a post office box instead of Defendant's actual residence address.

Despite this finding, the undersigned Magistrate Judge further finds that there are conditions of release that will reasonably assure that Defendant Omar will not flee or pose a danger to the safety of any other person or the community. As grounds for this finding, the undersigned relies upon testimony that Defendant Omar has been consistently employed at Nissan since his release on pretrial conditions and that he has neither missed a scheduled drug test nor had a positive drug screen since his

release. The undersigned, therefore, finds that the Government's motion to revoke Defendant's bond and to detain Defendant should be **DENIED**, and that Defendant Omar should be released subject to all conditions previously imposed.

It is so **ORDERED**.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge